

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NORTH CAROLINA
NEW BERN DIVISION**

In re:
BURTON GAY CONSTRUCTION, INC.,
Debtor

Case No: 11-02646-8-RDD
Chapter 7

**NOTICE OF PROPOSED PUBLIC SALE AND
NOTICE OF COMPENSATION OF AUCTIONEER**

TO: ALL PARTIES IN INTEREST

1. Pursuant to 11 U.S.C. §363(b), Federal Rules of Bankruptcy Procedure 6004, 2002(a), and 2002(c)(1), notice is hereby given that George Mason Oliver ("Trustee"), the Chapter 7 Trustee, proposes to sell the following described property:

1999 Ford F150 Truck VIN #1FTRF18W1XNB21914

1977 Trailer VIN NCX516866

Miscellaneous office equipment and furnishings, tools and equipment including
saws, nail guns, power tools, hand tools, ladder, and walk boards

2. Notice is further given that the Trustee proposes to sell the property at the date, time and place as hereinafter set out:

DATE: September 17, 2011

TIME: 10:00 a.m.

PLACE: 1211 W. 5th Street, Washington, NC 27889

3. The Trustee has filed an application with the court to approve the employment of Country Boys Auction & Realty Company as auctioneer whose compensation shall be fixed at a rate not to exceed the following:

20% of first \$20,000.00

10% of next \$50,000.00

4% of balance

5. The auctioneer shall be reimbursed for all reasonable and necessary expenses of sale. Such compensation and reimbursement of expenses shall be subject to final review by the court, without further notice.
6. An objection to the proposed sale and/or compensation of the auctioneer may be filed with the Clerk, U.S. Bankruptcy Court, P. O. Box 3758 Wilson, North Carolina, with a copy served on the Trustee whose name appears at the bottom of this notice, WITHIN

FOURTEEN (14) DAYS of the date of this notice. No hearing will be conducted on the objection unless the court, in its discretion, deems a hearing necessary, or unless a hearing is requested by the party filing such request. If a hearing is requested it will be held at a date, time and place to be later set by the court and all interested parties will be notified accordingly. Any party requesting a hearing shall appear at the hearing in support of such request or he may be assessed with costs.

Dated: August 12, 2011

s/George M. Oliver
George M. Oliver, Trustee
OLIVER FRIESEN CHEEK, PLLC
N.C. State Bar No. 26587
P. O. Box 1548
New Bern, NC 28563
Telephone: (252)633-1930
Facsimile: (252)633-1950

CERTIFICATE OF SERVICE

I, George M. Oliver, Post Office Box 1548, New Bern, North Carolina 28563, certify:

That I am at all times hereinafter mentioned was, more than eighteen (18) years of age;

That on the 12th day of August, 2011, I served copies of the foregoing pleading on the parties listed below by depositing a copy of the same in the United States mail bearing sufficient postage or electronically as indicated.

I certify under penalty of perjury that the foregoing is true and correct.

EXECUTED ON: August 12, 2011

s/George M. Oliver
George M. Oliver
OLIVER FRIESEN CHEEK, PLLC
N.C. State Bar No. 26587
P.O. Box 1548
New Bern, NC 28563
Telephone: (252) 633-1930
Facsimile: (252) 633-1950

cc:

SEE ATTACHED CREDIT MATRIX

Bankruptcy Administrator (via CM/ECF)

John C. Bircher, III (via CM/ECF)
Attorney for Debtor

Burton Gay Construction, Inc.
P. O. Box 5100
Kinston, NC 28503

Label Matrix for local noticing
0417-8
Case 11-02646-8-RDD
Eastern District of North Carolina
Wilson
Fri Jul 22 10:01:06 EDT 2011

Bankruptcy Administrator
434 Fayetteville St. Mall, Ste. 620
Raleigh, NC 27601-1888

Burton Gay Construction Inc.
Post Office Box 5100
Kinston, NC 28503-5100

U. S. Bankruptcy Court
1760 A Parkwood Blvd.
Wilson, NC 27893-3588

Auto Owners
PO Box 30315
Lansing, MI 48909-7815

(p)BB AND T
PO BOX 1847
WILSON NC 27894-1847

BB&T/Visa Card
2009 W. Vernon Ave
Kinston, NC 28504-3329

BP Amoco
PO Box 923928
Norcross, GA 30010-3928

Bank of America
NC1-001-07-06
Attn: Drew Frost
101 N Tryon St
Charlotte, NC 28255-0001

Bank of America
PO Box 45144
Jacksonville, FL 32232-5144

Blizzard Building Supply
405 Walston Ave
Kinston, NC 28504-3599

Burton Gay
2531 Pauls Path Road
Kinston, NC 28504-9049

Carolina Telephone and Telegraph, LLC
dba CenturyLink fdba Embarq
c/o Rex D. Rainach, APLC
3622 Government Street
Baton Rouge, LA 70806-5720

Centurylink
PO Box 4300
Carol Stream, IL 60197-4300

DexOne
1615 Bluff City Hwy
Bristol, TN 37620-6055

Exxon Mobile
PO Box 688941
Des Moines, IA 50368-8941

NA HB/Bank of America
PO Box 15710
Wilmington, DE 19886-5710

Progress Energy
PO Box 2041
Raleigh, NC 27602-2041

S&S Insulation/S&S Building Product
Pink Hill, NC 28572

Stallings Plumbing & HVAC
PO Box 3168
Kinston, NC 28502-3168

Burton A. Gay II
c/o Burton Gay Construction, Inc.
PO Box 5100
Kinston, NC 28503-5100

George M. Oliver
Oliver Friesen Cheek, PLLC
PO Box 1548
New Bern, NC 28563-1548

(p)JOHN C BIRCHER III
WHITE & ALLEN PA
1319 COMMERCE DRIVE
PO DRAWER U
NEW BERN NC 28563-8520

The preferred mailing address (p) above has been substituted for the following entity/entities as so specified by said entity/entities in a Notice of Address filed pursuant to 11 U.S.C. 342(f) and Fed.R.Bank.P. 2002 (g)(4).

BB&T
2009 West Vernon Avenue
Kinston, NC 28504

(d)BB&T Bankruptcy
PO Box 1847
Wilson, NC 27894

John C. Bircher III
White & Allen, PA
1319 Commerce Drive
PO Drawer U
New Bern, NC 28563

The following recipients may be/have been bypassed for notice due to an undeliverable (u) or duplicate (d) address.

(u)Branch Banking and Trust Company

(u)Elizabeth C. Berry, CPA, PLLC

(u)Burton & Darla Gay

(u)Mike Gurkins
Country Boys Auction & Realty

End of Label Matrix	
Mailable recipients	22
Bypassed recipients	4
Total	26